

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
CIVIL NO:**

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JACQUES SHATTO,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
NORTHLAND GROUP, INC.,	)	<b>COMPLAINT</b>
	)	
Defendant.	)	

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**INTRODUCTION**

1. This action arises out of Defendant's violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Defendant conducts business in the state of Minnesota, personal jurisdiction is established.

4. Venue in the United States District Court is proper under 28 U.S.C. § 1391(b)(1).

5. Declaratory relief is available pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 - 2202.

**PARTIES**

6. Plaintiff is a natural person residing in Londonderry, New Hampshire.

7. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).

8. Defendant is a national collection agency with its principle place of business at Edina, Minnesota.

9. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

10. At all times relevant to this Complaint, Defendant has acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers in the District of Minnesota.

### **FACTUAL ALLEGATIONS**

11. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt.

12. Defendant placed telephone calls to Plaintiff from (877) 867-3787 seeking and demanding payment for an alleged consumer debt.

13. Defendant places approximately three (3) collection calls to Plaintiff every day seeking and demanding payment for an alleged consumer debt. The collection calls begin at approximately 8:00 am and continue up through 8:30 pm.

14. Plaintiff has recently had open heart surgery and the constantly and continuous collection calls have adversely impacted Plaintiff's health.

### **COUNT ONE:** **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT** **15 U.S.C. § 1692 et seq.**

15. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692c(a)(1) of the FDCPA by contacting Plaintiff at time and place known to be inconvenient.
- b. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, and abuse Plaintiff.
- c. Defendant violated §1692d(5) of the FDCPA when Defendant caused Plaintiff's telephone to ring repeatedly and continuously with the intent to annoy, abuse, and/or harass Plaintiff.
- d. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt because Defendant threatened to destroy Plaintiff's credit.
- e. Defendant violated §1692f of the FDCPA by engaging in unfair and unconscionable means to collect or attempt to collect the alleged debt.

16. As a consequence of Defendant's foregoing actions, Plaintiff has suffered from emotional distress. *See* Exhibit A hereto.

17. Plaintiff is entitled to her attorney's fees and costs incurred in this action.

18. This case presents an actual and justiciable controversy within the meaning of the Declaratory Judgment Act, 28 U.S.C. §§ 2201 - 2202.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

- a. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq*;
- b. Actual damages
- c. Statutory damages pursuant to 15 U.S.C. § 1692k
- d. Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- e. Awarding such other and further relief as may be just, proper and equitable.

**DEMAND FOR JURY TRIAL**

Plaintiff is entitled to and hereby respectfully demands a trial by jury. US Const. amend.

7. Fed.R.Civ.Pro. 38.

**RESPECTULLY SUBMITTED,**

Dated: October 26, 2009

By: s/ Lee Cassie Yates  
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